## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS TYLER DIVISION

NATHAN ADAM SPINK, #113676 §

VS. § CIVIL ACTION NO. 6:21cv361

GREGG COUNTY JAIL, et al.

## ORDER ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Plaintiff Nathan Spink, an inmate formerly confined at the Upshur County Jail, proceeding pro se and *in forma pauperis*, filed this civil rights lawsuit. The case was referred to United States Magistrate Judge K. Nicole Mitchell for findings of fact, conclusions of law, and recommendations for the disposition of the case.

On July 7, 2023, Judge Mitchell issued a Report recommending that Plaintiff's lawsuit be dismissed without prejudice for Plaintiff's failure comply with an order of the Court or to prosecute his case. Docket No. 10. Judge Mitchell further recommended that the statute of limitations be suspended for a period of sixty days following the date of Final Judgment. *See Campbell v. Wilkinson*, 988 F.3d 798, 801 n.1 (5th Cir. 2021).

A copy of this Report was sent to Plaintiff at his last-known address. The docket reflects that the Report was returned as "undeliverable," with a notation that he is no longer at the address. Docket No. 11. To date, Plaintiff has neither filed objections nor a notice of a change of address.

The Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten days to fourteen days).

Here, Plaintiff has not filed objections. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews her legal conclusions to determine whether they are contrary to law. See United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir. 1989), cert. denied, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law.").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby ADOPTS the Report and Recommendation of the United States Magistrate Judge (Docket No. 10) as the findings of this Court. Therefore, it is ORDERED that Plaintiff's civil rights action is DISMISSED without prejudice for Plaintiff's failure to comply with an order of the court and to prosecute his case. It is also ORDERED that the statute of limitations is hereby SUSPENDED for a period of sixty days from the date of Final Judgment.

Signed this

Oct 4, 2023

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UNITED STATES DISTRICT JUDGE